

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

SAMUEL HOUSTON,

Plaintiff,

v.

ARMY FLEET SERVICES, LLC.,

Defendants.

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**Civil Action No.
CV 06-243-MEF**

UNOPPOSED MOTION TO EXTEND DISPOSITIVE MOTIONS DEADLINE

Defendant Army Fleet Support, LLC (“AFS”) respectfully requests a thirty day extension of the dispositive motions deadline set in this Court’s Scheduling Order. AFS does not request an extension of any other deadline set by the Court, including the discovery deadline and the trial setting. In support of this motion, the parties state the following:

1. The parties have exchanged documents, written discovery requests and have issued responses to the outstanding discovery requests. Over the last 60-90 days, and without burdening the Court, the parties have resolved certain disputes with respect to this written discovery. Last week the parties resolved a final discovery issue concerning the discovery of certain healthcare and personnel records.

2. The parties have also worked out a compromise regarding the subpoenas that were the subject of the plaintiff’s previously filed Motion to Quash. As a result of the compromise, AFS expects to receive documents from the third parties at issue within the next few weeks. These documents are needed by AFS in order to depose the plaintiff and his doctors, and to prepare a dispositive motion.

3. Because of these discovery issues, the parties have not been in a position to proceed with depositions. Depositions of the plaintiff and corporate representative are now scheduled for February 20-21, 2007. The parties anticipate that additional depositions of fact witnesses and the plaintiff's healthcare providers will be needed thereafter.

4. In this case the plaintiff is alleging violations of the Americans with Disabilities Act and the Family and Medical Leave Act. As a result, the plaintiff's health is directly at issue and it likely will be necessary to depose some of his healthcare providers. At a minimum, AFS would like to depose Dr. Thomas Manski, the physician primarily responsible for the plaintiff's care during the relevant time period. Due to scheduling conflicts, the earliest Dr. Manski can be deposed is March 20, 2007. This is one day after the current dispositive motions deadline.

5. Based on the foregoing, the March 19, 2007 dispositive motions deadline is no longer feasible. AFS respectfully requests that this deadline be extended by thirty days so that the parties can obtain documents from third parties, complete depositions and accommodate Dr. Manski's schedule. The requested extension will not impact the remaining deadlines, including the June 1, 2007 discovery deadline and the July 30, 2007 trial setting.

6. AFS further represents to the Court that an extension of the above deadlines is necessary and that such an extension will not prejudice the plaintiff. Counsel for AFS has conferred with counsel for the plaintiff and he has advised that the plaintiff does not oppose this motion.

WHEREFORE, based on the foregoing, AFS respectfully requests that this Court enter an order extending the dispositive motions deadline by thirty days.

Respectfully submitted this the 8th day of February, 2007.

/s/ Monica G. Graveline
One of the Attorneys for Defendant
Army Fleet Support, LLC

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and service will be perfected upon the following this the 8th day of February 2007.

Jimmy Jacobs
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/s/ Monica G. Graveline
Of Counsel